IN THE DISTRICT COURT OF THE VIRGIN ISLANDS DIVISION OF ST. CROIX

SORIA WARNER,)
Plaintiff,) CIVIL NO. 2005-0128
v.)))
KMART CORPORATION,)
Defendant.)
))

ORDER

FINCH, SENIOR JUDGE

THIS MATTER comes before the Court on a Motion for Summary Judgment filed by

Defendant Kmart Corporation. Plaintiff Soria Warner opposes such Motion. After careful

consideration and for the reasons stated in the accompanying Memorandum Opinion, it is hereby

ORDERED that, with respect to Plaintiff's claim for assault and battery as alleged in Count 1, Defendant's Motion for Summary Judgment is **DENIED**; it is further

ORDERED that, with respect to Plaintiff's Title VII claims for hostile work environment and retaliation as alleged in Count 2, Defendant's Motion for Summary Judgment is **DENIED**; it is further

ORDERED that, with respect to Plaintiff's claim for violation of the Virgin Islands civil rights statute 10 V.I.C. § 64 as alleged in Count 3, Defendant's Motion for Summary Judgment is **GRANTED**; it is further

ORDERED that, with respect to Plaintiff's claim for negligent or knowing employment creating an undue risk of harm as alleged in Count 4, Defendant's Motion for Summary

Judgment is **GRANTED**; it is further

ORDERED that, with respect to Plaintiff's claim for intentional infliction of emotional distress as alleged in Count 5, Defendant's Motion for Summary Judgment is **DENIED**; it is further

ORDERED that, with respect to Plaintiff's claim for negligent infliction of emotional distress as alleged in Count 5, Defendant's Motion for Summary Judgment is **GRANTED**; it is further

ORDERED that, with respect to Plaintiff's claim for intentional misrepresentation as alleged in Count 6, Defendant's Motion for Summary Judgment is **DENIED**; it is further

ORDERED that, with respect to Plaintiff's claim for negligent misrepresentation as alleged in Count 6, Defendant's Motion for Summary Judgment is **GRANTED**; it is further

ORDERED that, with respect to Plaintiff's claim for constructive discharge as alleged in

Counts 7 and 8, Defendant's Motion for Summary Judgment is **GRANTED**; it is further

ORDERED that, with respect to Plaintiff's claim for punitive damages as alleged in Counts 9, Defendant's Motion for Summary Judgment is **DENIED**.

ENTERED this 27th day of May, 2009.

HONORABLE RAYMOND L. FINCH SENIOR U.S. DISTRICT JUDGE

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